

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

MICHIGAN STATE TREASURER,)	
Plaintiff,)	
)	No. 1:13-cv-683
-v-)	
)	HONORABLE PAUL L. MALONEY
TIMOTHY J. CONNER, #466433,)	
Defendant.)	
_____)	

ORDER TO FILE AN AMENDED NOTICE OF REMOVAL

On June 24, 2013, this Court received a document titled “motion/brief for removal from state court to federal court under 28 U.S.C. § 1441.” Section 1441(a) provides for the removal of civil actions from state court to federal court over which the federal district court has original jurisdiction, and 28 U.S.C. § 1446 outlines the procedures for removal. A defendant seeking to remove an action must file a notice of removal “together with a copy of all process, pleadings, and orders served upon such defendant[.]” 28 U.S.C. § 1446(a). Furthermore, when an action is removed from state court, a federal court must consider whether it has subject matter jurisdiction. *See Probus v. Charter Commc’ns, LLC*, 234 F.App’x 404, 406 (6th Cir. 2007) (“Therefore, despite Probus’s failure to move to remand, the district court should have *sua sponte* addressed the issue of subject matter jurisdiction.” (citing *Curry v. United States Bulk Transp., Inc.*, 462 F.3d 536, 539-41 (6th Cir. 2006))). If the court determines that it lacks jurisdiction over the action, it must dismiss the action. Fed. R. Civ. P. 12(h)(3).

Conner filed what this Court has interpreted as a notice of removal. Other than the caption, Conner has not identified the state civil suit he seeks to remove. The Court has no way of identifying the county in which the state civil suit is pending. Conner has not identified the number assigned to the pending state civil suit, when the suit was filed, or when he was served. Conner has

not identified the nature of the suit, nor has he explained, in more than a perfunctory assertion, why this Court would have original jurisdiction over the complaint. In addition to omitting this information from the notice of removal, Conner did not file a copy of the civil complaint. Without the complaint, this Court cannot make a determination whether jurisdiction is proper. Therefore, Conner **SHALL FILE** an amended Notice of Removal that complies with 28 U.S.C. § 1446 and the Federal Rules of Civil Procedure. Along with the amended Notice, Conner **SHALL FILE** a copy of the complaint in the lawsuit against him he is attempting to remove. **IT IS SO ORDERED.**

Date: July 22, 2013

/s/ Paul L. Maloney
Paul L. Maloney
Chief United States District Judge